

BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

David F. Arsenault

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on October 20, 2008 in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Chairman William Judge at 6:00 PM. Commissioners Robert Bourque and David Arsenault were present.

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes from the regular meeting held on October 6, 2008 were reviewed, approved and signed.

II. NEW APPLICATIONS

Charles Cambria for Solicitor/Canvasser License. (Verizon Fios telephone, TV, data)

Approved 3/0.

Michael Smith for Solicitor Canvasser License (Verizon Fios products)

Approved 3/0.

Friends of the Fitchburg Senior Center for Special One Day All Alcoholic Beverages License for "Band for Fuel" from 7P – 12MN on October 25, 2008 at 14 Wallace Ave. O'Neil Hall.

Approved 3/0.

St. Anthony School for Special One Day Wine and Malt Beverages License for School Fund Raiser from 6P – 11P on November 8, 2008 at Madonna of Holy Rosary Church Hall, 118 Theresa St.

Approved 3/0.

Laundry Express, 8 John Fitch Highway for Automatic Amusement Devices: One Video and One Crane (A-Z Vending)

Approved 3/0.

III. HEARINGS

One Seventeen Corporation, d/b/a Major's Café, 149 Lunenburg St. for Transfer of Annual Restaurant All Alcoholic Beverages License and Change of Manager to Beloin Corp., d/b/a Majors, Ellen Reffitt, Manager.

Present were Ms. Ellen Reffitt and her counsel Attorney Damian Riddle and Mr. Donald Gray.

Mr. Gerry Beloin spoke in favor of the transfer. No one spoke in opposition to the transfer.

Approved 3/0.

IV. CONTINUED SUMMONS HEARINGS

Robert Ansin for Cancellation of License if licensee ceases to conduct business, License # 0394 00013 – 216 Fairmount St., LLC (MGL Chapter 138 Section 77)

Present were Attorney Charles Gelinas for Robert Ansin and Attorney Thomas Beatrice for Fitchburg Main Street Mall LLC.

Attorney Beatrice presented evidence that he has filed on behalf of Fitchburg Main Street Mall LLC the required documentation with the Dept. of Revenue that was the cause of the ABCC disapproval of the license transfer.

The license transfer application has already been re-submitted for reconsideration to the ABCC so this final action should provide for a DOR release and ABCC final approval.

No action taken on the Cancellation of License 3/0.

Kathleen Denmark for Cancellation of License if licensee ceases to conduct business, License # 0394 00007 – Dempsey’s Pub (MGL Chapter 138 Section 77)

No one was present on behalf of Kathleen Denmark. Hearing continued to November 5, 2008. The clerk was instructed to send a letter to Ms. Denmark reminding her to attend the November 5 meeting. 3/0.

Jack Hoover, for Cancellation of License if licensee ceases to conduct business, License #0394 00049, 480 Water St.

Additional matter of outstanding 2007 and 2008 license fee.

Present was Mr. Jack Hoover.

Chairman Judge motioned to rescind the vote taken on October 6, 2008 to revoke license 0394 00049.

Motion passed by vote of 3/0. (The vote was rescinded because the clerk erroneously placed the revocation hearing on the agenda for October 6, 2008 but Mr. Hoover was summonsed to attend this hearing on October 20, 2008. Mr. Hoover was not present at the meeting held on October 6, 2008.)

Mr. Hoover stated that the outstanding liquor license fees for 2007 and 2008 have not been paid. He stated that he has not commenced any construction on the proposed establishment.

By vote of 3/0 Hearing continued to November 17, 2008 with the following stipulations:

- 1. The 2007 and 2008 outstanding license fees be paid;**
- 2. Mr. Hoover must submit to the Board a letter of zoning determination from Mr. Gallant regarding the proposed establishment;**
- 3. Mr. Hoover must submit to the Board a business plan with time frame and construction timetable.**

The Clerk wrote out the action taken by the Board and the stipulations and gave a copy of the document to Mr. Hoover.

The Clerk was instructed to summons in Mr. Michael Gallant, Building Commissioner, to the continued Hearing to be held on November 17, 2008. 3/0.

V. OTHER

- Taxi Driver applications

Approved for two years: Ronald P. Mitchell, Jr.

- Discussion: Instituting new License Commission Regulation regarding compliance checks

After discussion, the clerk was instructed to send a letter to all licensees in their 2009 renewal packet stating the following: “This letter is to inform you that The Fitchburg Board of License Commissioners will from time to time be conducting compliance checks in conjunction with the Fitchburg Police Department during the year 2009. This notification is sent to you upon the recommendation of the Alcoholic Beverages Control Commission (ABCC).”

The clerk was instructed to publish a similar statement in the newspaper in January of 2009. 3/0

- Discussion: Instituting new license renewal checklist of required documentation

After discussion the clerk was instructed to numerically itemize and bullet in the 2009 renewal letter to licensees the documents required to be submitted by licensees prior to the issuance of their 2009 liquor license. The intent is to make the list of documents immediately clear to readers what they must submit in order to pick up their license. In addition to the existing list of required documents, the clerk was instructed to add the following: A list of current employees along with their TIPS certification date.

- Any other matter that may come before the Commission as time permits

The clerk was instructed to contact the ABCC and ask if a Section 12 wine and malt beverage or all alcohol on- premise, pouring license can be converted to a Section 15 off-premise package store license and, if so, what is the procedure.

The meeting adjourned at 8:13 PM.

Respectfully submitted,

Anna M. Farrell, Clerk
Approved:

William A. Judge

Robert A. Bourque

David F. Arsenault